IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1140 of 2006

In

ARBITRATION PETITION NO. 494 of 2004

The Board of Trustees of the
Port of Bombay ... **Petitioners**

V/s

Mohinder Singh and Co. ... **Respondents**

Mr.E.P.Bharucha with U.J.Makhija i/b Mulla and Mulla and Craigie Blunt and Caroe for the Petitioners
Mr.M.D.Siodia i/b D.A.Ratiwala for Respondents

CORAM:D.K.DESHMUKH,J.

DATED:13th Sept. 2006

P.C.:-

. By consent of the parties, Chamber Summons is disposed of in following terms :-

1. Within a period of two weeks from today the Petitioners Board shall pay to the Respondents an amount

of Rs.31,17,000/- and deposit in this Court an amount of Rs.1,17,52,000/-. The deposit shall be made with due intimation to the Respondents. On the deposit being made the amount shall be invested by the Prothonotary and Senior Master in fixed deposit in any nationalised bank.

2. It is agreed between the parties that when the Court hears the petition for admission the Respondents shall be entitled to argue that there is no challenge in the petition to the Award in so far as it awards Rs.55,00,000/- in favour of the Respondent out of the total awarded amount and not only to the extent of Rs.31,17,000/- as claimed by the petitioner.

3. It is also agreed that in case the Court finds the submission of the respondent to be correct the Court shall have to permit the Respondent to withdraw such amount as the Court may find reasonable to be withdrawn without furnishing any security.

4. It is agreed that any amount that remains in balance thereafter may be withdrawn by the Respondent on furnishing bank guarantee to the satisfaction of the Prothonotary and Senior Master of this Court.

5. On the Petitioners making the payment and deposit as directed above the Chamber Summons shall stand granted in terms of prayer clauses (a) and (b). In that event the

office shall place the petition for admission before the Court after two weeks of deposit.

6. The Petitioner undertakes to remove the office objections within a period of one week from the date of deposit and payment of the amount.

7. In case office objections are not removed within aforesaid period of one week as directed above the office shall treat the petition as dismissed without any further reference to the Court.

8. In case the Petitioners fail to make the payment and deposit the amount within the period as directed above, this Chamber Summons shall be treated as dismissed.

9. The Petitioners to pay within a period of two weeks from today a sum of Rs.25,000/- as costs of this Chamber Summons to the Respondents.

10. Parties to act on the authenticated copy of this order.

(D.K.DESHMUKH,J.)